



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(November 24, 2015 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-15-26 (Chick-fil-A)
Staff: Ashley Klingler

Applicant: Chick-fil-A
Property Size: *Site of National Road Sign:* 1.12 Acres
Site of 10th Street Sign: 10.22 Acres

Current Zoning: CR (Commercial: Regional Center)
Location: *Site of National Road Sign:* 1390 N National Road, in the City of Columbus
Site of 10th Street Sign: 3500 10th St., in the City of Columbus

Background Summary:

The applicant would like to place a Chick-fil-A sign on each of the two existing “Lowe’s” development signs. The development signs are located along National Road and along 10th Street. Obtaining approval for the desired signs would require the following variances:

1. From Zoning Ordinance Table 10.1, to allow the National Road Sign to be 83 square feet, 58 square feet larger than permitted (25 square feet).
2. From Zoning Ordinance Section 10(H)(3)(c), to allow more off-premise signs than permitted (2 requested, 1 permitted).
3. From Zoning Ordinance Table 10.1, to allow the 10th Street Sign to be 83 square feet, 58 square feet larger than permitted (25 square feet).

Preliminary Staff Recommendation:

1. *Variance 1 (National Road Sign Size):* Denial. Criteria #2 and #3 are not met.
2. *Variance 2 (Number of Signs):* Approval. All criteria are met.
3. *Variance 3 (10th Street Sign Size):* Denial. Criteria #2 and #3 are not met.

Any approval should be based on the following conditions:

1. The owner’s signature must be provided for the National Road Sign for the applications to be complete.
2. The property owner on the applications needs to be changed to have the correct owner of the subject property (the locations of the signs) not the Chick-fil-A property. The applications need to be separated based on the sign location. One for the National Road Sign size (with the appropriate property owner), and a second for the 10th Street Sign and size (with the appropriate property owner).

Zoning Ordinance Considerations:

District Intent: The intent of the CR (Commercial: Regional Center) zoning district is as follows: to establish appropriate locations for a variety of businesses that either (1) serve a regional market or (2) require convenient access to high volume transportation routes. This district should be limited to locations with access and infrastructure which is compatible with the needs of regional-serving businesses and facilities. This district should be focused at key intersections, rather than extended along corridors.

Development Standards: Multiple Lot Signs: Uses located on individual lots within the same approved preliminary plat may also make use of a single freestanding sign consistent with the provisions of Section 10(H)(3)(b) and Table 10.1 of the Zoning Ordinance. These signs may include a maximum of 2 additional secondary elements; with each of these additional secondary elements being directly related to a use located off-site of the property on which the sign is located. In addition, any off-site use that makes use of the common freestanding sign shall not be permitted any other freestanding signs, including any on the property on which it is located.

Current Property Information:	
Land Use:	Commercial Retail
Site Features:	Commercial Stores: Lowe's, Tire Barn, Penn Station, GameStop, Aspen Dental
Flood Hazards:	No flood hazards onsite
Vehicle Access:	National Road (Principal Arterial, Commercial, Suburban) 10 th Street (Minor Arterial, Commercial, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North-East:	CR (Commercial: Regional Center)	Strip Mall: Hobby Lobby, Best Buy...etc
North-West:	I2 (Industrial: General)	Cummins
South-East:	AP (Agriculture: Preferred)	Farm Field
South-West:	CR (Commercial: Regional Center)	Walmart, Kohls

Interdepartmental Review:	
Technical Code Enforcement:	No issues with this request.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The Zoning Ordinance allows one shared sign for properties within the same commercial development. Chick-fil-A is located in the same development with Lowe's, Tire Barn, Penn Station, GameStop, Aspen Dental, etc. and is therefore allowed to use a shared sign, rather than having a free-standing sign on their lot. Chick-fil-A would be allowed to have 1 of their signs that has an area of 25 square feet, on 1 shared development sign. Chick-fil-A is requesting to have 1 sign on each of the two shared development signs, with each being 83 square feet in area.
2. Previously, these properties were all located in the Lowe's PUD (Planned Unit Development). The development was regulated as one big project with business signage on these entrance signs. In 2008 the properties were zoned to CR (Commercial: Regional). All signage must now meet the CR (Commercial: Regional) zoning district requirements.

3. Chick-fil-A is currently being constructed at the old Golden Corral site. The old Golden Corral signs on the National Road Sign and the 10th Street Sign were 83 square feet in area. Once these were taken down, however, they lost their legal-non-conforming status. This means all Chick-fil-A signage must meet the CR (Commercial: Regional) zoning district requirements in the Zoning Ordinance which is 1 sign with a maximum area of 25 square feet. For comparison, Tire Barn has a sign on both the National Road Sign and the 10th Street Sign. These Tire Barn signs were approved when the area was zoned as the PUD; these signs are each 30 square feet in area.
4. Chick-fil-A does not have an access point to the property from either National Road or 10th Street. The entrances to the complex are right below the National Road Sign and the 10th Street Sign. The public would have to enter at either of these locations and travel through the parking lot to get to Chick-fil-A.
5. The Lowe's development was designed with two entrances (one off of National Road and one off of 10th Street). These act as the only access to the commercial development. Chick-fil-A is one of many businesses that use these two entrances as the access to their business.
6. If the Chick-fil-A wanted to have a freestanding sign on their property, they would be permitted one per street frontage (2 freestanding signs), each 150 square feet in area. Freestanding signs could be located on the Chick-fil-A site without being in the sight visibility triangle of National Road and 10th Street. Chick-fil-A will not be permitted any freestanding signs on their site if they use either of the shared development signs.
7. These proposed signs are off-premise signs, so they require the signature of who owns the property where the sign will be located. The owner of the property where the National Road Sign is proposed still needs to provide the required signature for the application to be complete.
8. This proposal is for off-premise signs. The "subject property" to which the criteria apply are the sign locations, not the Chick-fil-A property.

Provisional Findings of Fact/Decision Criteria (National Road Sign Size):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The installation of the sign will not be injurious to the public health or safety. The freestanding sign will not block vehicular movement or visibility as it will be located outside of the public right-of-way and is out of any sight visibility triangles located on the subject property. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: All the other businesses that are eligible to use this sign are limited to a 25 square foot sign. Allowing this freestanding sign to exceed the maximum square footage is to the disadvantage of neighboring businesses and properties that have to install signs meeting the standards of the Zoning Ordinance. *This criterion **has not** been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: There is nothing particular about the subject property (the sign location along National Road) that would require a larger sign than the permitted 25 square feet. The old sign was taken down and therefore lost all legal-nonconforming rights to the previous sign size. There is no practical difficulty in the use of the subject property that would require a sign that is 58 square foot larger than permitted. *This criterion **has not** been met.*

Provisional Findings of Fact/Decision Criteria (Number of Signs):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The installation of the sign will not be injurious to the public health or safety. The sign will not block vehicular movement or visibility as it will be located outside of the public right-of-way and is out of any sight visibility triangles located on the subject property. *This criterion has been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: These signs are proposed to be located at the entrances of the shopping complex. There are two entrances to the commercial development (one at National Road and one at 10th Street). Allowing a sign at each entrance will benefit circulation and therefore also the development as a whole. *This criterion has been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: The shopping complex was laid out to have two entrances. The signs on the shared development signs act as directional signs into the complex. There is not one major entrance into the complex, both are equally used. These entrances to the complex are the only access to the Chick-fil-A property. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (10th Street Sign Size):

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The installation of the sign will not be injurious to the public health or safety. The freestanding sign will not block vehicular movement or visibility as it will be located outside of the public right-of-way and is out of any sight visibility triangles located on the subject property. *This criterion has been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: All the other businesses that are eligible to use this sign are limited to a 25 square foot sign. Allowing this freestanding sign to exceed the maximum square footage is to the disadvantage of neighboring businesses and properties that have to install signs meeting the standards of the Zoning Ordinance. *This criterion has not been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: There is nothing particular about the subject property (the sign location along 10th Street) that would require a larger sign than the permitted 25 square feet. The old sign was taken down and therefore lost all legal-nonconforming rights to the previous sign size. There is no practical difficulty in the use of the subject property that would require a sign that is 58 square foot larger than permitted. *This criterion **has not** been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Development Standards Variance Application

Planning Department Use Only:

Jurisdiction: ☒ Columbus ☐ Bartholomew County

Zoning: _____

Docket No.: _____

Hearing Procedure: ☐ Hearing Officer ☐ Board of Zoning Appeals



Development Standards Variance Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: Chick-fil-A, Inc., attn: Jason Hill

Address: 5200 Buffington Road, Atlanta, GA 30349-2998
(number) (street) (city) (state) (zip)

Phone No.: 404-765-8000 Fax No.: _____ E-mail Address: jason.hill@cfacorp.com

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: MP Investments VII LLC, Midwest Properties, attn: Kahlil Kenneth Barnard

Address: 8884 Fitness Lane, Fishers, IN 46037
(number) (street) (city) (state) (zip)

Phone No.: 317-608-0801 Fax No.: _____ E-mail Address: kbarnard@midwest-properties.com

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: Ben Holliday - Clayton Signs, Inc.

Address: 5198 North Lake Drive, Lake City, GA 30260
(number) (street) (city) (state) (zip)

Phone No.: 404-361-3800 Fax No.: _____ E-mail Address: benholliday@claytonsigns.com

How would you prefer to receive information (please check one): ☒ E-mail ☐ Phone ☐ Fax ☐ Mail

Property Information:

Address: 1250 North National Road, Columbus, IN 47201
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Variance to allow two signs

Variance Requested:

I am requesting a variance from Section Section 10(H)(3)(c) of the Zoning Ordinance to allow the following:
allow Chick-fil-A to make use of a second off-premise sign on a multiple lot sign by replacing
two (2) former Golden Corral sign cabinets on two (2) existing Lowes freestanding signs with
identically same sized cabinets as the ones that were removed.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Granting of this request would not be injurious public health, safety, morals, and general welfare of the
community because it would only be putting back what was previously there with no issues.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Granting of this request would not affect adjacent property owners in a substantially adverse manner
because it would only be putting back what was previously there with no issues.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

Strict application of the terms of the Zoning Ordinance would not allow use of signs which were removed
just prior to the start of construction of the Chick-fil-A building. The signs were removed by others not
Chick-fil-A which is not self-imposed.

Sign A1

Variance Requested:

I am requesting a variance from Section Section 10, Table 10.1 of the Zoning Ordinance to allow the following:

Sign A1 - Increase size of the secondary sign A2 by 58 square feet.

Variance is to allow an increase from 25 square footage to 83 square feet.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Granting of this request would not be injurious public health, safety, morals, and general welfare of the community because it would only be putting back what was previously there with no issues.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Granting of this request would not affect adjacent property owners in a substantially adverse manner because it would only be putting back what was previously there with no issues.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

Strict application of the terms of the Zoning Ordinance would not allow use of signs which were removed just prior to the start of construction of the Chick-fil-A building. The signs were removed by others not Chick-fil-A which is not self-imposed.

Sign A2

Variance Requested:

I am requesting a variance from Section Section 10, Table 10.1 of the Zoning Ordinance to allow the following:

Sign A2 - Increase size of the secondary sign A2 by 58 square feet.

Variance is to allow an increase from 25 square footage to 83 square feet.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Granting of this request would not be injurious public health, safety, morals, and general welfare of the community because it would only be putting back what was previously there with no issues.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Granting of this request would not affect adjacent property owners in a substantially adverse manner because it would only be putting back what was previously there with no issues.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

Strict application of the terms of the Zoning Ordinance would not allow use of signs which were removed just prior to the start of construction of the Chick-fil-A building. The signs were removed by others not Chick-fil-A which is not self-imposed.

Application Fee Refund Information:


The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Clayton Signs, Inc. c/o Ben Holliday

Address: 5198 North Lake Drive, Lake City, GA 30260
(number) (street) (city) (state) (zip)

Applicant's Signature:

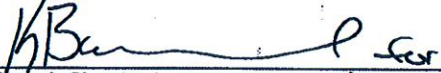
The information included in and with this application is completely true and correct to the best of my knowledge and belief.


(Applicant's Signature)

October 15, 2015
(Date)

Property Owner's Signature (the "owner" does not include tenants or contract buyers):

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

 for
(Owner's Signature) MP Investments III LLC. as its
manager/member.

Oct-19-2015
(Date)

(Owner's Signature)

(Date)

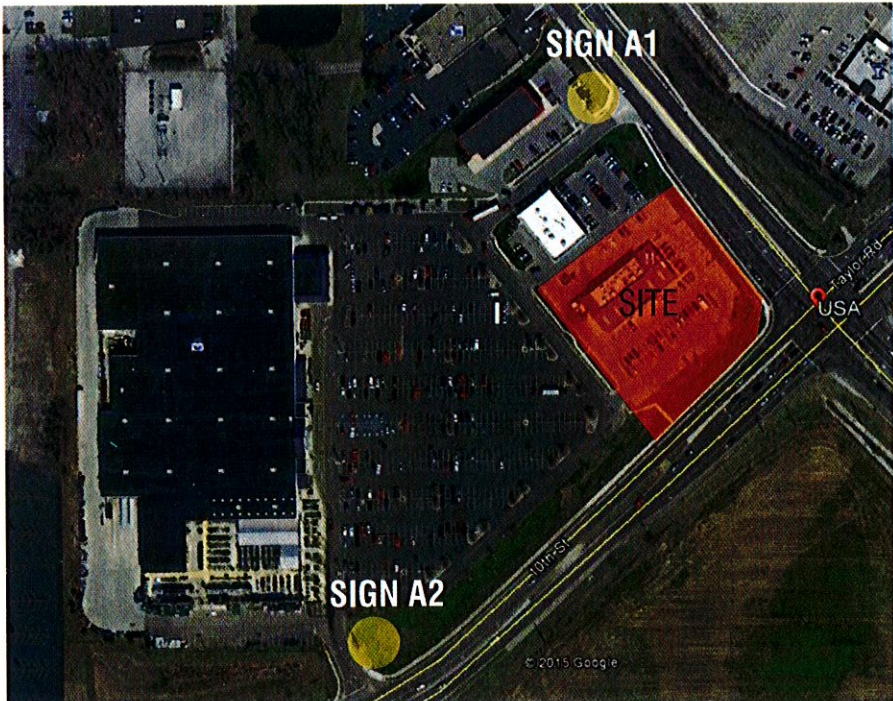
SPECIFICATIONS

CABINET
TWO (2) SINGLE-FACED ALUMINUM CABINETS
INSTALLED BACK TO BACK ON EXISTING STEEL
STRUCTURE BACK TO BACK.
CABINETS HAVE STEEL FRAME WITH .080 ALUMINUM
CLADDING, RETAINERS AND FILLER.
GRAPHICS
ACRYLIC FACES DECORATED WITH TRANSLUCENT VINYL
FILM ON SURFACE OF ACRYLIC. FACES ARE BACKLIT BY
HIGH OUTPUT FLUORESCENT LAMPS SPACED EVENLY
ON 8" CENTERS.

230-53 CARDINAL RED
TRANSLUCENT VINYL FILM

FLEX FACE SUBSTRATE

CABINET
DARK BRONZE



<div>1</div>			DRAWN BY	Ben Holliday	STORE NUMBER	STORE ADDRESS		<div>©</div>	<div>A1/A2</div>
			ACCOUNT REP.	Ben Holliday	L03659	Chick-fil-A at Columbus, IN 1250 North National Road Columbus, IN 47201			
			DRAWING DATE	March 11, 2015					
			REVISION DATE	October 19, 2015					